

**E N D O R S E M E N T**

BOYD FULTON v. TOWN OF HULL  
04-CV-11234-MEL

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LASKER, D.J.

I do not disagree in principle that a small award in a case does not bar the recovery of much greater attorneys' fees in certain situations. This is not one of those situations.

An award of attorneys' fees must take into account the nature of the case. The substantial fees incurred in this case were not warranted given the simplicity of the case and the possibility of settlement from the beginning stages. In proceeding, plaintiff's attorneys accepted the risk of not recuperating their fees in full.

For the reasons substantially enumerated in defendant's brief, plaintiff's motion for an assessment of attorneys' fees and costs in the amount of \$41,601.86 is DENIED. Some award is warranted and, after reviewing carefully the submitted schedules of fees and costs, I make an assessment of attorneys' fees and costs in the amount of \$9,500.00, an amount based on the number of hours reasonably expended multiplied by a reasonable hourly rate.

It is so ordered.

Dated: July 27, 2007  
Boston, Massachusetts

/s/ Morris E. Lasker  
U.S.D.J.